IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	BIDLINGMEYER	Examiner:	E. THERKORN
Serial No.:	10/621,953	Group Art Unit:	1723
Filed:	JULY 17, 2003	Docket No.:	10020542-01
Title:	ADDITIVES FOR REVERSED-PHASE HPLC MOBILE PHASES		

CERTIFICATE UNDER 37 CFR 1.8:
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Mail Stop AMENDMENT, Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450 on January 7, 2005.

By: Mark Skoog
Name: Mark T. Skoog

RESPONSE TO SPECIES ELECTION REQUIREMENT

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This paper is being submitted in response to the Species Election Requirement mailed November 8, 2004.

Election I

Without acquiescing to the statements made in the Species Election Requirement, Applicant hereby elects 2,2,2-trifluoroethanol, with traverse.

Applicant traverses on at least the grounds that a wide variety of additives for use in HPLC eluents can readily be searched. Such methods can be found in a single patent class. The presently claimed invention relates to a method including eluting an HPLC column in a way that increases the column lifetime. The method employs an additive, which can be a neutral, fluorinated organic modifier. 2,2,2-Trifluoroethanol is but one example of a neutral, fluorinated organic modifier.

Applicant respectfully submits that methods for eluting an HPLC column with a more broadly described additive, such as an eluent including as additive a neutral, fluorinated organic modifier, can readily be searched. Such methods can be found in a single patent class and neutral, fluorinated organic modifiers can readily be searched using a generic structure. Claim 7 recites the additive being a neutral, fluorinated organic modifier.

Applicant respectfully submits that methods for eluting an HPLC column with a more broadly described neutral, fluorinated organic modifier, such as a polyfluorinated alcohol, can readily be searched. Such methods can be found in a single patent class and polyfluorinated alcohols can readily and specifically be searched using a generic structure. Claim 8 recites the additive being a polyfluorinated alcohol.

Applicant respectfully requests a search of a category of additives including more than a single compound. Applicant respectfully requests a search of all functional additives that increase the lifetime of HPLC columns.

In the alternative, Applicant respectfully requests a search of the additive being a neutral, fluorinated organic modifier.

In the alternative, Applicant respectfully requests a search of the additive being a polyfluorinated alcohol.

In the alternative, Applicant respectfully requests a search of the additive being 2,2,2-trifluoroethanol. Claim 9 recites that the additive can be or include 2,2,2-trifluoroethanol.

Applicants note that several claims, including claim 1, are generic with respect to this election. Allowance of a claim generic with respect to this election results in this requirement becoming moot. At least claims 1-18 include categories of or individual additives listed above.

Examination on the merits is respectfully requested.

Election II

Without acquiescing to the statements made in the Species Election Requirement, Applicant hereby elects buffering agent, with traverse.

Applicant traverses on at least the grounds that a wide variety of modifiers for use in HPLC eluents can readily be searched. Such methods can be found in a single patent class. The presently claimed invention relates to a method including eluting an HPLC column in a way that increases the column lifetime. The method employs one or more modifiers, which can be, for example, buffering agent, ion-pairing agent, multivalent cation binding agent, surfactant, or organic solvent. Buffering agent is but one example of such a modifier.

Applicants respectfully assert that methods for eluting an HPLC column with a more broadly described modifier, such as an eluent including as a modifier that increases the life of an HPLC column, can readily be searched. Applicant respectfully requests search of a category of modifiers including more than buffering agent. Applicant respectfully requests search of all functional additives that increase the lifetime of HPLC columns.

In the alternative, Applicant respectfully requests search of the additive being at least one of buffering agent, ion-pairing agent, multivalent cation binding agent, surfactant, or organic solvent. Methods including such additives can be found in a single patent class. In addition, text of the prior art can readily be searched for a small number of terms including buffering agent, ion-pairing agent, multivalent cation binding agent, surfactant, or organic solvent.

In the alternative, Applicant respectfully requests search of the additive being a buffering agent.

Applicants note that several claims, including claim 1, are generic with respect to this election. Allowance of a claim generic with respect to this election results in this requirement becoming moot. At least claims 1-18 include categories of or individual modifiers listed above.

Examination on the merits is respectfully requested.

Election III

Without acquiescing to the statements made in the Species Election Requirement, Applicant hereby elects DNA fragments, with traverse.

Applicant traverses on at least the grounds that a wide variety of sample mixtures can be run through the claimed method of eluting an HPLC column and that such methods can readily be searched. Such methods can be found in a single patent class. The presently claimed invention relates to a method including eluting an HPLC column in a way that increases the column lifetime. The method is applicable to a variety of sample mixtures including, for example, drug candidate libraries, polypeptides, polynucleotides, and DNA fragments.

Applicants respectfully assert that methods eluting a variety of sample mixtures through an HPLC column employing an eluent with an additive can be readily searched. Applicant respectfully requests search of a category of sample mixtures including more than DNA fragments. Applicant respectfully requests search of methods eluting any of a variety of sample mixtures through an HPLC column employing an eluent with an additive.

In the alternative, Applicant respectfully requests that the Examiner search the sample mixture including at least one of drug candidate, polypeptide, polynucleotide, and DNA fragment. Methods including HPLC of such sample mixtures can be found in a single patent class. In addition, text of the prior art can readily be searched for a small number of terms including drug candidate, polypeptide, polynucleotide, and DNA fragment.

In the alternative, Applicant respectfully requests that the Examiner search the sample mixture including DNA fragments.

Applicants note that several claims, including claim 1, are generic with respect to this election. Allowance of a claim generic with respect to this election results in this requirement becoming moot. At least claims 1-18 include categories of or individual sample mixtures listed above.

Examination on the merits is respectfully requested.

Respectfully submitted,

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Date: Jan 7, 2005

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ATTORNEY DOCKET NO. 10020542-1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Brian Bidlingmeyer

Serial No.: 10/621,953 **Examiner:** Ernest G. Therkorn

Filing Date: July 17, 2003 **Group Art Unit:** 1723

Title: ADDITIVES FOR REVERSED-PHASE HPLC MOBILE PHASES

COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

☒ Response/Amendment ☒ Petition to extend time to respond

☒ New fee as calculated below ☐ Supplemental Declaration

☐ No additional fee (Address envelope to "Mail Stop Non-Fee Amendments")

☒ Other: Check in the Amount of $120.00 for 1-Month Extension of Time (Fee $_____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS	18	MINUS	18	= 0	X 18	$ 0.00
INDEP. CLAIMS	1	MINUS	1	= 0	X 88	$ 0.00
☐ FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ 300	$ 0.00
EXTENSION FEE	1ST MONTH 110.00 ☒	2ND MONTH 430.00 ☐	3RD MONTH 980.00 ☐	4TH MONTH 1530.00 ☐		$ 120.00
					OTHER FEES	$ 0.00
					TOTAL ADDITIONAL FEE FOR THIS AMENDMENT	$ 120.00

Charge $_____ to Deposit Account **50-1078**. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-1078** pursuant to 37 CFR 1.2 5. Additionally please charge any fees to Deposit Account **50-1078** under 37 CFR 1.16, 1.17, 1.19, 1.20 and 1.21. A duplicate copy of this transmittal letter is enclosed.

Respectfully submitted,
Merchant & Gould P.C.

By Mark T. Skoog
Mark T. Skoog
Attorney/Agent for Applicant(s)

Reg. No. 40,178

Date: January 7, 2005

Telephone No. 612.371.5240

I hereby certify that this correspondence is being Deposited with the United States Postal Service as First class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450.

Date of Deposit: January 7, 2005

Typed Name: Nicole Augustson

Signature: Nicole Augustson